

NEW HAMPSHIRE SUPREME COURT
ORAL ARGUMENT LIST
MAY 2006

The cases listed are scheduled for argument in May 2006. Attorneys and parties are reminded of the following:

1. The morning session will begin at 9:30 a.m. Persons presenting oral argument in the morning must check in with the receptionist by 9:00 a.m. The afternoon session will begin at 1:00 p.m. Persons presenting oral argument in the afternoon must check in by 12:30 p.m.
2. The order of the arguments is subject to change.
3. The amount of time allotted to each party is shown. The court intends to limit the attorney or party presenting the argument to the allotted time. If an attorney or party intends to divide the allotted time with another person or persons, or intends to reserve a portion of the allotted time for rebuttal, the attorney or party should notify the courtroom monitor before the session begins. No more than two minutes may be reserved for rebuttal.
4. The justices intend to refrain from asking questions during the first three minutes of each person's argument; this period of non-questioning may be waived. Persons presenting oral argument should assume that the court is familiar with the facts.
5. To waive oral argument: (a) a stipulation of all parties for submission on briefs must be filed at least 10 days prior to the scheduled argument date and the stipulation must be accepted by the court; or (b) a motion to waive argument must be filed no later than 20 days prior to the scheduled argument date and the motion must be granted by the court. See Rule 18(7).
6. The moving party is responsible for presenting and transmitting the portions of the record necessary to decide the questions of law presented by the case. See Rules 13 and 14.

N O T I C E

IT IS A CLASS B FELONY TO CARRY A FIREARM OR OTHER DEADLY WEAPON AS DEFINED IN RSA 625:11, V IN A COURTROOM OR AREA USED BY A COURT.
--

ANY PERSON WHO REQUIRES AN AUXILIARY AID TO HEAR ORAL ARGUMENT SHOULD NOTIFY THE CLERK OF COURT AS FAR IN ADVANCE AS POSSIBLE SO THAT THE EQUIPMENT CAN BE AVAILABLE.

Wednesday, May 10, 2006, beginning at 9:30 a.m.:

2005-0589	Stephen Debonis Appellate Defender (David M. Rothstein) (15 min.)	v.	Warden, New Hampshire State Prison Attorney General (Stephen G. LaBonte) (15 min.)
2005-0003	Michael E. Gill & a. BMS&B (Steven A. Solomon) (15 min.)	v.	Stephen G. Gerrato, & a. Anthony S. Hartnett for Andrew M. Birse, Cynthia L. Birse, and John M. Cots, Phyllis G. Gerrato and Stephen G. Gerrato (15 min.) Andrea Gordon, Carmen Gordon, Michael Gordon, Peter Gordon and Richard Gordon, <u>pro</u> <u>se</u> Peter J. Loughlin for Town of Greenland
2005-0485	State of New Hampshire Attorney General (Charles J. Keefe) (15 min.)	v.	Anthony C. O'Leary Appellate Defender (David M. Rothstein) (15 min.)
2005-0316 Confidential	In re Guardianship of Eric Lamarche Michael J. Sheehan for Eric Lamarche (15 min.) Attorney General (Michael K. Brown) (15 min.)		

Wednesday, May 10, 2006, beginning at 1:00 p.m.:

2005-0405	State of New Hampshire Attorney General (Susan P. McGinnis) (5 min.)	v.	Raymond Paul Thomas Appellate Defender (Theodore M. Lothstein) (5 min.)
2005-0328	Gladys Lee Durgin CW&B (Mark D. Wiseman) (15 min.)	v.	Pillsbury Lake Water District U&H (Matthew Serge) (15 min.)
2005-0342	Debra A. Cloutier Hall Stewart (Michael P. Hall) (15 min.)	v.	City of Berlin WS&P (John A. Lassey) (15 min.) Amicus: NH Local Government Center (Paul G. Sanderson)
2005-0598	Arnold Goldstein W&N (Patricia M. Panciocco) (15 min.)	v.	Town of Bedford and Christopher Evans U&H (Matthew Serge) for Town of Bedford (15 min.) WS&P for Christopher Evans (Robert E. Murphy, Jr.)

HICKS, J., DISQUALIFIED

Thursday, May 11, 2006, beginning at 9:30 a.m.:

2005-0408	G2003B, LLC and Aspen Acquisitions, LLC and Gerard L. Beique, Ind. William A. Theroux, Jr. Town of Weare D&D (William R. Drescher) (15 min. total)	v.	Town of Weare Neal M. Kurk for Intervenors Timothy Galvin, Craig Knowles, Terry Knowles, Heleen Kurk, Mark Pizekurat and Alicia Walker (15 min.)
2004-0595	State of New Hampshire Attorney General (Edith L. Pacillo) (15 min.)	v.	Michael J. Smith DL&G (Richard J. Lehmann) (15 min.)
2005-0409	LaMontagne Builders, Inc. Stark L/O (Rodney L. Stark) (15 min.)	v.	Bank of New Hampshire & a. James M. McNamee For R. Scott Brooks (15 min.)

BRODERICK, C.J., AND HICKS, J., DISQUALIFIED

LD-2003-0008 In the Matter of William M. Richmond
William M. Richmond, pro se (15 min.)
RY&P (Andrew W. Serell) for Professional Conduct Committee (15 min.)

Thursday, May 11, 2006, beginning at 1:00 p.m.

2005-0226 Petition of State of New Hampshire
State of New Hampshire (Nicholas P. Cort) (15 min.)
Appellate Defender (Christopher M. Johnson) for Richard Marcoux (15 min.)

2005-0415	Lynn Warner CW&B (Mark D. Wiseman) (15 min.)	v.	Jennifer Corlett, Scott E. Brown and Clarendon Ins. Co. M&F (Mark L. Mallory) and SRB&C (Edward J. Barshak, <u>pro hac vice</u>) for Clarendon Insurance Co. (15 min.)
-----------	---	----	--

2005-0436 Appeal of Town of Pelham
 (public employee labor relations board)
 DM&B (Mark T. Broth) for Town of Pelham (15 min.)
 Erin L. Goodwin, pro hac vice, for Pelham Police Employees (15 min.)
 Amicus: New Hampshire Association of Chiefs of Police
 BSS&N (Dawnangela Minton)
 Attorney General

2005-0464	William H. Sullivan, Edward R. Buck, III, and Thomas Gillick C&M (John S. Krupski) (15 min.)	v.	Board of Selectmen, Town of Hampton Town Counsel (Mark S. Gearreald) (15 min.) Amicus: New Hampshire Local Government Center (C. Christine Fillmore)
-----------	---	----	---

Wednesday, May 17, 2006, beginning at 9:30 a.m.:

2005-0261	State of New Hampshire Attorney General (Stephen D. Fuller) (15 min.)	v.	Michael Cohen John G. Vanacore (15 min.)
-----------	--	----	--

2005-0490 Appeal of White Mountain Regional School Board
(public employee labor relations board)
SLKS&L (Michael S. Elwell) for White Mountain Regional School Board
(15 min.)
NEA-NH (James F. Allmendinger) for White Mountains Regional
Education Association (15 min.)
Attorney General

DUGGAN, J., DISQUALIFIED

2005-0353	State of New Hampshire	v.	Chad Evans
2005-0354	Petition of Chad Evans Attorney General (N. William Delker) (15 min.)		Appellate Defender (David M. Rothstein) (15 min.)

BRODERICK, C.J. AND HICKS, J., DISQUALIFIED

2005-0488	In re Juveniles 2005-0488-A, -B, and -C
Confidential	Harris L/O (Kristin S. Harris) for mother (15 min.) Attorney General (Mary E. Schwarzer) (15 min.)

Wednesday, May 17, 2006, beginning at 1:00 p.m.:

2005-0304	State of New Hampshire Attorney General (Nicholas P. Cort) (15 min.)	v.	James Murray Appellate Defender (Christopher M. Johnson) (15 min.)
2005-0399	Randall Meier & a. U&H (David P. Slawsky) (15 min.)	v.	Town of Littleton & a. DM&B for Town of Littleton (Donald E. Gardner) State of New Hampshire (Stephen G. LaBonte) (15 min. total)

GALWAY, J., DISQUALIFIED

2005-0326	Ric Paul W&N (Peter E. Hutchins) (15 min.)	v.	Franklin C. Sherburne McLaughlin L/O (Philip T. McLaughlin) (15 min.)
-----------	---	----	--

HICKS, J., DISQUALIFIED

2005-0426 Confidential	In re Juvenile 2005-0426 G&L (John P. LeBrun) for father (15 min.) Attorney General (Elyse S. Alkalay) (15 min.) CASA (David N. Sandberg)
----------------------------------	--

NOTE: The following cases have not been scheduled for the May 2006 oral arguments; however, they are on call for possible replacement cases should any of the scheduled cases settle or be continued. Counsel should mark their calendars accordingly. At least five days notice will be given if a replacement case is scheduled for argument. If these cases are not heard at the May 2006 arguments they will be scheduled during the next oral argument session.

2005-0627	Appeal of Pinkerton Academy (public employee labor relations board) MGR&M (Linda S. Johnson) for Pinkerton Academy (15 min.) NEA-NH (James F. Allmendinger) for Pinkerton Academy Teachers' Association (15 min.) Attorney General	
2005-0640	Carlos L. Martinez and Janet M. Martinez H&U (Quentin J. Blaine) (15 min.)	v. Laura Nicholson and Stephen D. Grigg Griffin L/O (Barbara J. Griffin) (15 min.)
2005-0686	Gloria Jean Lacasse NC&O (James F. Lafrance) (15 min.)	v. Spaulding Youth Center DM&B (Mark T. Broth) (15 min.)

Cases to be submitted on briefs, without oral argument:

2005-0241 In the Matter of Lisa J. Gibson and Thomas J. Gibson
 Lisa J. Gibson, pro se
 Thomas J. Gibson, pro se

2005-0419 Philip Giroux v. Terri Towle & a.
Pro se Pro se

Date: April 4, 2006

Attest: _____
Eileen Fox, Clerk